

CONTRACTORS STATE LICENSE BOARD
15-DAY NOTICE OF MODIFIED PROPOSED LANGUAGE

Article 8. Citation

NOTICE IS HEREBY GIVEN that the California Contractors State License Board has proposed modifications to the text of Section 884 of the California Code of Regulations which was the subject of a regulatory hearing on May 2, 2006. A copy of the modified text follows below. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before June 8, 2006 at 5:00 p.m. to the following:

Peter Sugar, Enforcement Manager
Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827

Changes for originally proposed language are shown in black with underline for added text and in ~~black~~ with strikethrough for deleted text.

Changes for the modified proposed language are shown in blue with double underline for newly added text, in ~~blue~~ with double strikethrough for newly deleted text, in green with strikethrough and double underline for text that was originally proposed as deleted text but is now being modified to be retained, and ~~green~~ with double strikethrough and single underline for text that was originally proposed as added text but is now being modified to be removed.

Amend Section 884 as follows:

§ 884. ~~Recommended~~ Assessments of Civil Penalties.

~~(a) In assessing a civil penalty against a person who has not previously been cited for violation of the same or similar section of the Contractors License Law, the Registrar shall give due consideration to the following guidelines:~~ranges of penalties: Civil penalties against persons who have been cited for violation of the Contractors License Law shall be assessed in accordance with the following ranges of penalties.

Section Violated	Recommended Minimum Civil Penalty	Recommended Maximum Civil Penalty
7030	\$50	\$100
7030.5	50	100
7071.13	50	100

7075	50	100
7083	50	100
7083.1	50	100
7018.5	50	150
7027.1	50	150
7029.5	50	150
7034	50	150
7068.2	50	150
7110.1	50	150
7117	50	150
7125	50	150
7028.5	50	500
7071.11	50	500
7111	50	500
7113.5	50	500
7154	50	500
7157	50	500
7110	50	1,000
7068.1	50	1,000
7076	50	1,000
7099.10	50	1,000
7099.11	50	1,000
7111.1	50	1,000
7114.1	50	1,000
7118.4	50	1,000
7118.5	50	1,000
7159	50	1,000
7162	50	1,000
7164	50	1,000
7107	100	1,000
7108	100	1,000
7108.5	100	1,000
7108.6	100	1,000
7119	100	1,000
7120	100	1,000

7109	50	1,500
7109.5	50	1,500
7113	50	1,500
7116	50	1,500
7158	50	1,500
7161	50	1,500
7123	500	1,500
7125.1	500	1,500
7028	200	2,000
7029.1	200	2,000
7117.5	200	2,000
7117.6	200	2,000
7114	200	15,000
7118	200	15,000
<u>7027.1</u>	<u>\$ 100</u>	<u>\$ 1,000</u>
<u>7028</u>	<u>200</u>	<u>5,000</u>
<u>7028.1*</u>	<u>1,000</u>	<u>5,000</u>
<u>7028.5</u>	<u>200</u>	<u>5,000</u>
<u>7028.7*</u>	<u>200</u>	<u>15,000</u>
<u>7029.1</u>	<u>200</u>	<u>2,500</u>
<u>7029.5</u>	<u>100</u>	<u>500</u>
<u>7029.6</u>	<u>100</u>	<u>500</u>
<u>7030</u>	<u>500</u>	<u>1,500</u>
<u>7030.1*</u>	<u>1,000</u>	<u>5,000</u>
<u>7030.5</u>	<u>100</u>	<u>1,000</u>
<u>7031.5*</u>	<u>100</u>	<u>500</u>
<u>7034</u>	<u>100</u>	<u>1,000</u>
<u>7058.7</u>	<u>500</u>	<u>5,000</u>
<u>7068.1</u>	<u>100</u>	<u>5,000</u>
<u>7068.2</u>	<u>100</u>	<u>1,000</u>
<u>7071.11</u>	<u>100</u>	<u>1,000</u>
<u>7071.13</u>	<u>100</u>	<u>500</u>
<u>7075</u>	<u>100</u>	<u>500</u>
<u>7076</u>	<u>100</u>	<u>1,000</u>
<u>7083</u>	<u>100</u>	<u>1,000</u>

<u>7083.1</u>	<u>100</u>	<u>1,000</u>
<u>7099.10</u>	<u>100</u>	<u>1,500</u>
<u>7099.11</u>	<u>100</u>	<u>1,500</u>
<u>7107</u>	<u>200</u>	<u>5,000</u>
<u>7108</u>	<u>200</u>	<u>5,000</u>
<u>7108.5</u>	<u>200</u>	<u>2,000</u>
<u>7108.6</u>	<u>200</u>	<u>2,000</u>
<u>7109</u>	<u>200</u>	<u>5,000</u>
<u>7109.5</u>	<u>500</u>	<u>5,000</u>
<u>7110</u>	<u>200</u>	<u>5,000</u>
<u>7110.1</u>	<u>100</u>	<u>1,000</u>
<u>7111</u>	<u>100</u>	<u>1,000</u>
<u>7111.1</u>	<u>100</u>	<u>1,500</u>
<u>7113</u>	<u>200</u>	<u>5,000</u>
<u>7114*</u>	<u>500</u>	<u>15,000</u>
<u>7114.1</u>	<u>200</u>	<u>2,000</u>
<u>7115</u>	<u>100</u>	<u>5,000</u>
<u>7116</u>	<u>100</u>	<u>5,000</u>
<u>7117</u>	<u>100</u>	<u>1,000</u>
<u>7117.5</u>	<u>200</u>	<u>5,000</u>
<u>7117.6</u>	<u>200</u>	<u>5,000</u>
<u>7118*</u>	<u>500</u>	<u>15,000</u>
<u>7118.4*</u>	<u>3,000</u>	<u>5,000</u>
<u>7118.5*</u>	<u>1,000</u>	<u>5,000</u>
<u>7118.6*</u>	<u>1,000</u>	<u>5,000</u>
<u>7119</u>	<u>200</u>	<u>2,000</u>
<u>7120</u>	<u>200</u>	<u>2,000</u>
<u>7123</u>	<u>500</u>	<u>5,000</u>
<u>7125</u>	<u>100</u>	<u>500</u>
<u>7125.4</u>	<u>200</u>	<u>5,000</u>
<u>7154</u>	<u>100</u>	<u>1,000</u>
<u>7157</u>	<u>100</u>	<u>1,000</u>
<u>7158</u>	<u>500</u>	<u>5,000</u>
<u>7159</u>	<u>100</u>	<u>1,000</u>

<u>7159.5(a)(1), (a)(3), and (a)(5).</u>	<u>100</u>	<u>5,000</u>
<u>7159.5(a)(2), (a)(4), (a)(6), (a)(7), and (a)(8)</u>	<u>100</u>	<u>1,000</u>
<u>7159.10</u>	<u>100</u>	<u>500</u>
<u>7159.14</u>	<u>100</u>	<u>5,000</u>
<u>7161</u>	<u>100</u>	<u>5,000</u>
<u>7162</u>	<u>100</u>	<u>1,500</u>
<u>7164</u>	<u>100</u>	<u>1,000</u>

~~*Parameters of civil and/or criminal penalties are set in statute.~~

~~(ba) The minimum and maximum civil penalties as set forth above are advisory only. Where there is more than one violation, where, in the judgment of the Registrar, a person has exhibited bad faith or where, in the judgment of the Registrar, the violation is grave, the maximum recommended civil penalty shall be \$2,000.00. Notwithstanding subsection (a), When determining the amount of assessed civil penalty, the Registrar may shall take into consideration whether one or more of the following or similar circumstances apply:~~

- ~~(1) the citation includes multiple violations;~~
- ~~(2) the cited person has a history of violations of the same or similar sections of the Contractors License Law;~~
- ~~(3) in the judgment of the Registrar, a person has exhibited bad faith;~~
- ~~(4) in the judgment of the Registrar, the violation is serious or harmful;~~
- ~~(5) the citation involves a violation or violations perpetuated against a senior citizen or disabled person; and/or~~
- ~~(6) the citation involves a violation or violations involving a construction project in connection with repairs for damages caused by a natural disaster as described in Section 7158 of the code.~~

~~(b) Where a cited person has a history of violations of the same or similar sections of the Contractors License Law, the maximum recommended civil penalty shall be \$2,000.00.~~

~~Where a citation lists more than one violation the amount of assessed civil penalty shall be stated separately for each section violated.~~

~~(c) Where a citation lists more than one violation and each of the violations relates to the same construction project, the total penalty assessment in each citation shall not exceed \$2,000.00\$5,000, except as provided for violations of Sections 7028.7, 7114, or 7118~~in subsection (d).

~~(d) Notwithstanding subsections (a), (b), or (c), a civil penalty of \$15,000 may be assessed for a violation of Section 7028.7, 7114, or 7118 if the cited person has a history of violations of the same or similar sections of the Contractors License Law or in the judgment of the Registrar the cited person has exhibited bad faith or the violation is graveserious or harmful.~~

(d) Where a citation lists more than one violation, the amount of assessed civil penalty shall be stated separately for each section violated.

Note: Authority cited: Sections 7008 and 7099.2, Business and Professions Code.

Reference: Sections 7099 and 7099.1, Business and Professions Code.